

U.S. STES TO GET Back Dye Rights Worth Millions

Dagberry Begins Litigation Against Chemical Foundation in Wilmington; President Advised Action Monopoly Is Charged

Complaint Alleges "Trust" Wheedled Alien Patents from Garvan for \$270,000

From The Tribune's Wilmington Bureau
WASHINGTON, Sept. 8.—Attorney General Dagberry, on behalf of the government, began today legal proceedings to regain all patents and similar rights now held by the Chemical Foundation, Inc., and obtained by it through sale from the Alien Property Custodian. Patents and trademarks estimated to be worth many millions of dollars are involved.

The government seeks to have all these returned to the Alien Property Custodian in accordance with the request of President Harding dated July 1 last.

Suit in equity was filed by the Attorney General in the District Court of the United States for the District of Delaware, at Wilmington, in which the Chemical Foundation is incorporated.

The defendant is asked to be required to account for all profits derived from these patents and trademarks and other rights, and pay the same over to the Alien Property Custodian. The amount of these profits is not estimated.

Urges Protection for All
The government requires that the court in granting the relief sought will so shape its decrees and impose such equitable conditions that the rights and interests of licensees of the Chemical Foundation or the Federal Trade Commission, may be protected. The bill specifically prays that the patents and other rights, as well as the income therefrom, be returned to the government, to be held by the Alien Property Custodian and disposed of by him as now provided by law or as may be provided by any future legislation by Congress.

The bill further prays that the Chemical Foundation be enjoined from prosecuting the many suits heretofore brought by it to recover license fees and such patents and other rights heretofore paid to the United States and now in the United States Treasury. It also asks an injunction against the Chemical Foundation to prevent it from making any further payment of the patents and other rights, and from wasting income which it is receiving from licensees for such patents.

It is alleged in the bill that the Chemical Foundation has no other assets of value except the patents and rights which this suit seeks to recover, and that it is now spending money under a court order to pay the revenues from licenses of such patents and rights for salaries, legal fees and in publicity and propaganda on behalf of and in creating public confidence in the Chemical Foundation. It is alleged in the bill that the Foundation is creating a debt and that, aside from the property sought to be recovered, it is in no position to pay its debts.

Patents Worth Millions
The bill alleges that the patents discussed are worth many millions of dollars and that the consideration obtained was wholly and grossly inadequate. The government maintains that these patents are sustained in law and constitute a confiscation of these patents and a violation of the trust under which they were held.

The government makes broad and general allegations of a plan to create, and the existence of, a dye and chemical monopoly in the United States, which was stimulated by the shutting off of these patents from Germany upon the declaration of war. The bill of complaint shows that before June, 1918, considerable progress had been made in the formation of such a monopoly by a limited number of corporations, chief among which were the National Aniline and Chemical Company, the General Chemical Company, the Solvay Process Company, the General Chemical Company and the American Dye and Chemical Company, which were combined into the Allied Chemical and Dye Corporation; and E. I. du Pont de Nemours & Co.

The government further alleges that control of the industry was effected by means of agreements between these corporations and other persons, firms and corporations, and by means of trade agreements, among other things, the American Dye and Chemical Company, the Chemical Manufacturers' Association of the United States, the Textile Alliance, Inc., and their affiliated organizations. The government alleges and charges that by means of such methods, agreements and organizations there had been accomplished by June, 1918, an organization and control of the industry of the manufacture and distribution of dyes and the ingredients thereof, and of chemicals related thereto, and in connection therewith in the United States.

Conceded "Conspiracy"
The bill further sets forth that the persons, firms and corporations who acquired control of the dye and chemical industry in the United States, fearing that at the end of war their monopoly and control would be weakened by the return of the many patents and trademarks covering these dyes and chemicals, and through such control, the importation of such dyes and chemicals into the United States, and the exportation of such dyes and chemicals from the United States, which they as owners of the patents might prescribe, conceived and entered into a scheme, combination and conspiracy prior to or about November, 1918, to procure the seizure of such patents and trademarks from the Alien Property Custodian, and the transfer of them to themselves or a corporation controlled by them.

It is further alleged that in pursuance of such plans such persons, firms or corporations as early as June, 1918, through their representatives, and especially through Morris B. Poucher, representing and acting for said corporations, approached the Alien Property Custodian and urged upon him to transfer to themselves or a corporation controlled by them.

Had Clerk in Patent Office
The government alleges that so anxious were the parties to this alleged conspiracy to consummate their plan

prior to the termination of the war that they obtained the right to transfer the Alien Property Custodian to have representatives in the Patent Office work day and night shifts and also on Sundays for patents, trademarks and other rights. It is further alleged that the patent attorneys for the Du Ponts and the National Aniline and Chemical Company were placed in the Patent Office to go over the records and select the enemy-owned patents which were desired by this group "for the purpose of said scheme and said conspiracy," and that the Alien Property Custodian was working with them, who in turn had seized by the Alien Property Custodian for the purpose of selling them to the organization to be formed by this group, when, organized, became the Chemical Foundation, Inc.

Paid \$271,000 for All
The bill shows that there were transferred to the Chemical Foundation by the Alien Property Custodian approximately 4,813 patents, 211 applications for patents, 876 trademarks, 492 copyrights, 156 rights in designs, 155 contracts relating to patents, of a gross consideration of approximately \$271,000.

The government alleges that the original cost to the inventors of procuring such patents from the Patent Office was more than \$50 each, which is approximately the average amount paid for such patents by the Chemical Foundation to the Alien Property Custodian.

Maurice Wertheim sold for the Markham Realty Corporation, Clarence W. Eckhardt, president, the four-story building with street and parlor floor stores at 677 Lexington Avenue, 20x125. Also the three-story dwelling directly adjoining at 139 East Fifty-fifth Street, 20x100.5. The Markham Realty Corporation acquired this plot about two weeks ago from the Keller estate and the resale is to an investor at a substantial advance over the original purchase price.

The Meister Builders, Inc., purchased the six-story elevator apartment at 66 Port Washington Avenue at the southeast corner of 162d Street, 102x182, (regularly accommodating forty-two families. The property was held at \$330,000.

Max Schaefer sold to Dora F. Josephson the five-story tenement at 386 Madison Avenue, 20x100.5. The Manport Company bought from Charles Plam the five-story flat at 115 West 113th Street, 20x100. Liebecking & Jordan were brokers.

Adolph and Aaron Weiss purchased from M. J. Finch the seven-story apartment 203 West 113th Street, through the Baltimore Realty Corporation.

Enrico Messina sold to Enrico Cioffi and Angelina Scutera the four-story tenement at 345 East 109th Street, 20x100.

Ralph Russo sold 404 East 121st Street, a five-story flat, 25x100, to August J. Schaefer to John Madonna. Edward Crescenzo sold to August J. Schaefer the four-story tenement at 418 East 123d Street, 20x100.

Joseph L. Buttenweiser sold the five-story tenement, 27x100, at 1313 Third Avenue, to Mrs. Johanna Niessing. Sarah B. Phane sold to Isaac Kay the two-story building at 2695 to 2700 Third Avenue, 28x85.3 irregular.

Henry M. Brennan sold to John Flack the five-story tenement, with stores, at 1761 Broadway, 20x85.3, to the Orlin, Steindler & Houston Company, for a client the four-story tenement with stores 239 East Tenth Street, 20x84.

Rachel Burzinski sold to Harry Kurman the seven-story building, with stores, at the southwest corner of Rivington and Lewis Streets, 20x80.

Lots at Baisley Park Will Be Sold at Auction Today
Joseph P. Day will sell to-day on the premises 600 unrestricted residence and business building sites in the Stein and Burzinski estate, on the Boulevard of Jamaica, on Sutphin Boulevard, Foch Boulevard and Van Wyck Boulevard, opposite Baisley Park and Lake. These 600 unrestricted home-building sites, on the Boulevard of Jamaica, Van Wyck Boulevard and lie on both sides of Foch Boulevard, a new eighty-foot-wide thoroughfare just west of 119th Avenue, between Sutphin Boulevard and Baisley Park and Lake, where the Harris Nevin Company recently have built or now have under construction approximately 200 houses.

Sales in Brooklyn
Cary, Harmon & Co. Inc. sold for the executor of the estate of Harriet Judson the house at 12 Pierpont Street, to Dr. Carl H. Laws. The same brokers sold for G. Girard the three-story dwelling at 185 Willow Street and the four-story dwelling at 275 Henry Street for William L. Newton.

Charles F. Noyes Company has sold to J. E. Casey, representing George Knoepfel, a plot 50x109 on Ninety-first Street between Third and Fourth avenues, Brooklyn. The U. S. Realty and Improvement Company was the seller.

\$765,000 Loan on Flat
Lawrence, Blake & Jewell have placed for the Witford Realty Corporation a first mortgage of \$765,000 on five-story apartment building at corner of Broadway and 113th Street, a twelve-story apartment, 17x100, known as the Forest Chambers.

REAL ESTATE FOR SALE OR RENT
Brooklyn
"Builders of 400 Easy Housekeeping Homes"
163 Remond Street, Brooklyn

Long Island
LYNDBROOK, L. I.—Thirteen minutes from New York, remodeled, modern home, 10x14, 10 rooms, with Oriental rug, collection of the paintings, handsome furniture, two-car garage, modern kitchen, complete, completely furnished; owner leaving to reside in France; will sell, furnished, \$26,000; 1st at \$14,000. ELA 21, 338 Stanton Ave., Lynbrook.

NEW HOME, 6 rooms, bath, superior and garage; all improvements; 3 blocks from station. A. Thoren, dealer in Woodmere, Long Island.

WESTCHESTER
7-ROOM Colonial home, all improvements; corner lot, 100x100; 10 minutes to train and trolley; 15 minutes to Rye and Rye Beach; price \$12,000. PHILIP & SON, owners and builders, 25 and Henry sts., Harrison, N. Y.

FURNISHED English garden cottage, studio living room, open fireplace, 10 minutes to train, 10 to Rye Beach, \$15 a month. Restricted neighborhood. Telephone Rye 835.

FREE list of houses for sale and rent. Write VAN WINKLE CO., Rutherford, N. J.

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204TH ST., 432 WEST—4 rooms, \$80; 5 rooms, 4th and 5th, all modern improvements; telephone in hall. Apply Janitor.

10-10 WESTMINSTER ROAD, corner Carter and North Avenue, 17 minutes from financial district; high class residential neighborhood; 2-story apartment building just completed; suites of 5 and 6 large outside rooms with 7 and 8 closets; "California bungalow apartments," sound proof; perfect appointments; decorations to suit tenants; Church av. express station. R. T. subway.

PARK SHORE—6 rooms; \$85-\$95; near Park Shore Road 1057.

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Real Estate News

Lexington Ave. Corner Resale Brings Profit

Operators Dispose of Houses at 56th Street Bought Two Weeks Ago; Sale of Large Flat in Ft. Washington Av.

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Small Dwellings Rule In Private Home Buying

Dr. Charles B. Petrie Parts With House on Audubon Avenue; Other Sales

Charles A. Du Bois sold for Dr. Charles B. Petrie to John J. O'Connor the three-story dwelling at 89 Audubon Avenue, 16x89.5.

John J. Quinn sold to Maria Fernandez the three-story dwelling at 587 West 113th Street, 15x99.11.

Ennis & Sinnott have bought from Mrs. Gerda Stein the four-story dwelling at 37 West Ninetieth Street, 19x100.8. Edward Marks was the broker.

Serafin Miller sold to Mamie Speaks the three-story dwelling at 137 West 130th Street, 19x99.11.

Peter Van Honsen bought the three-story dwelling at 324 West Ninetieth Street, 19x99.11.

George E. Hoe sold 287 West Sixteenth Street, a three-story dwelling, 20x100, to a buyer who resold to Anna Consolations.

Candy Firm to Pay \$500,000 For Store in Hotel Claridge
Morris M. Glaser leased through A. E. Karasch, the United Retail Candy Stores, Inc., a store in the Hotel Claridge, at an aggregate rental of \$500,000.

Albert B. Ashforth, Inc., leased space at 386 Fifth Avenue to Lorimer, Greenbaum & Co., Inc. and in the Liggett Building, corner Forty-second Street and Madison Avenue, to Patrick O'Dare and Thomas Gannon.

Cas & Alfano Company leased offices in the Bush Building, 130 West Forty-second Street, to Herman Heyer, and space in the MacNulty Building, at corner Fifty-second Street, to the Auto Safety Appliances Corporation.

Brady & Bowman leased an office in the Borden Building, Madison Avenue and Forty-fifth Street, to W. C. Peyton.

Augusta Hagstrom-Callen Company leased for P. Boyce and the store and basement on the southwest corner of Amsterdam Avenue and Sixty-ninth Street to Drossas & Rummell.

Payson McL. Merrill Company have leased doctors' offices at 140 West Fifty-seventh Street, to Dr. Oscar Jerome Chase, Jr., and at 20 West Fifth Street to Dr. John S. Thatcher.

Dr. Armistead C. O'Connell, Dr. Edward C. Brenner and Dr. John C. O'Connor, Charles F. Noyes Company leased space in the Price Waterhouse Building, 56-58 Pine Street, to Hartley L. Anderson, Alfred J. Day and Alfred J. Marcus; 378 Fifth Avenue, offices to Amadio & Zangari, and with Carstein & Linnekin, Inc., to Samuel Noyes Company has also leased for William A. White & Sons offices at 16-18 Exchange Place to Dalby & Greene.

Henry Shapiro & Co. leased a store at the southwest corner of Seventh Avenue and Fifth Street to Herman Schroeder; store space at Third Avenue and 106th Street to Harris Jackson, and a store at 25 West Thirtieth Street to Max Brodsky and Jack Gann.

Springfield Auction To-day
T. F. Archer will sell to-day, at 2 p. m., eighty lots in the heart of Springfield, L. I. The sale will be held rain or shine, under a tent. The lots to be sold are on the corner of Brockton Street and adjacent streets, near Springfield Road.

In the Auction Market
By James J. Donovan
"Marine" a 1914 Buick sedan, 20x40, 100.4; vacant; City of New York, \$2,750; Wm. H. Brownell et al.; amt due, \$2,750; N. Y. City, \$1,562.71; to Samuel R. Marcus for \$2,500.

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Deal Pending for Broadway and 81st Street Corner

The three-story building with stores at 2251 to 2259 Broadway, at the southwest corner of Eighty-first Street